REMARKS

Claims 67-74, 76-82, 84-117, and 119-127 are pending in the application.

Claims 67-74, 76-82, 84-117, and 119-127 have been rejected.

Rejection of Claims Under 35 U.S.C. § 112

Claim 85 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action states that "it is unclear how the MAC device is sending data to itself." Office Action, p. 2. Applicants note that claim 85 does not recite a first MAC device operable to receive data from a first MAC device. Instead, claim 85 recites that a buffer coupled to the first MAC device is operable to receive data from the first MAC device. The claim requires that the buffer be coupled to the MAC device. The claim does not state that the buffer is the MAC device, or even that the buffer is a part of the MAC device. Therefore, Applicants respectfully submit that the claim is not indefinite.

Rejection of Claims Under 35 U.S.C. § 103

Claims 67-74, 76-80, 84-85, 87-90, 92-117, 119-123 and 126-127 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U.S. Publication No. 2003/0076781 listing Enomoto et al. as inventors ("Enomoto"), in view of U.S. Patent No. 5,918,020 issued to Blackard et al. ("Blackard"). Applicants respectfully traverse these rejections.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation

of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Claims 67, 85, 101, and 110

Independent claims 67, 85, 101, and 110 each contain limitations of substantially the following form:

> for each of a plurality of media access control (MAC) devices to which data is to be transmitted over a ring topology network, providing a corresponding queue configured to transmit data in a first egress direction and a second egress direction over the ring topology network;
> receiving data, from a local client, destined for a client of a first MAC device of the plurality of MAC devices;
> storing at least a portion of the data in a first queue corresponding to the first MAC device;
> receiving information generated by the client of the first MAC device indicating a need to change an amount of data being transmitted to the client of the first MAC device; and
> selectively transmitting data stored in the first queue to the first MAC device, wherein
> a rate at which the selectively transmitting is performed is based at least in part on at least a portion of the information indicating the need to change the amount of data being transmitted to the client of the first MAC device, and
> the selectively transmitting further comprises transmitting data stored in the first queue in a selected one of the first egress direction and the second egress direction.

See, e.g., claim 67. Applicants respectfully submit that neither the cited sections of Enomoto nor Blackard, alone or in combination, teaches each limitation of the claims.

Applicants respectfully submit that the proposed combination fails to disclose, at least, "a corresponding queue configured to transmit data in a first egress direction and a second egress direction over the ring topology network." The Office Action cites the following passages of Enomoto as purportedly supplying this disclosure:

> [0170] Responsive to a request from the congestion notification reception transfer part A134 via the third notifying line M103 , the flow number measuring part 351-3 notifies the congestion notification reception transfer part A134 via the third notifying line M103 of the number of available transmission queues and the number of flows passing through each transmission queue.
>
> [0171] The transmission queue part 352 comprises the transmission queues prepared for respective destination congestion control nodes. The

> transmission queue part 352 has a function for storing the input frames classified by the input classification part 351 for the respective destination congestion control nodes until a request from the output adjusting part 353.
>
> [0198] The transmission queue part 357 comprises the queues each destination client ID, each destination group ID, a node group ID, an IP address, an IP port number, or the like. The transmission queue part 357 has a function for storing the input frames classified each destination client from the input classification part 356 until a request from the output adjusting part 353.

Enomoto, ¶¶ 170, 171, and 198 (cited at Office Action, p. 3). By citing the above paragraphs as purportedly disclosing "a corresponding queue configured to transmit data in a first egress direction and a second egress direction over the ring topology network," the Office Action suggests a comparison between the claimed queue and Enomoto's transmission queue parts.

Applicants respectfully submit that the transmission queue part disclosed in the above passages of Enomoto is not comparable to the claimed queue. Enomoto's transmission queue part is a part of the transmission buffer part A135 (*see* Enomoto, Figs. 3 and 4). The transmission buffer part A135 is part the congestion control part A13 (*see* Enomoto, Figs. 2 and 3). Enomoto's Figure 2 clearly shows that there are two congestion control parts (A13 and A14), one for each direction on the ring network. Thus, the buffer (transmission queue part) which resides in congestion control part A13 cannot transmit data in a first and second egress direction over the ring topology network. The buffer (transmission queue part 352) in A13 can only transmit in a single egress direction, *i.e.* from L101 to L102 (clockwise in Enomoto's Figure 1). Similarly, a buffer (transmission queue part 352) in A14 can only transmit in a single egress direction, *i.e.* from L103 to L104 (counter-clockwise in Enomoto's Figure 1). Accordingly, the cited passages of Enomoto fail to disclose the claimed queue configured to transmit data in a first and second egress direction.

Furthermore, the Office Action admits that Enomoto fails to disclose that a client generates the indication to change the amount of data being transmitted to the client. Office Action, p. 4. The Office Action cites the Abstract of Blackard as purportedly supplying this missing disclosure. *Id.* However, Applicants respectfully submit that it does not appear that Enomoto could be modified to incorporate the teachings of Blackard.

Enomoto operates by calculating the number of frames supplied and determining whether that number exceeds an allowable amount. *See, e.g.*, Enomoto ¶ 238. If the rate is exceeded, a congestion notification is sent. *Id.* However, the cited portions of Enomoto fail to disclose any capability of receiving and processing input from a client, or of taking any responsive action to such input.

Moreover, even if Enomoto could be modified to incorporate the teachings of Blackard, Applicants respectfully submit that the combination would still fail to disclose the limitations recited in Applicants' claims. Blackard operates by a client sending a pacing message to a server and then the server modifying the server's transfer rate. *See, e.g.*, Blackard, Abstract. This differs from the limitations recited in Applicants' claims in at least the following way. Applicants' claims recite a client of a first MAC device sending information to the first MAC device indicating a need to change the rate of data transmitting. Then, in response to that information, another MAC device alters the rate at which data is transmitted to the first MAC device. Thus, the claim recites a client sending information to a first device which affects the rate at which another device transmits to the first device. Blackard fails to disclose comparable teachings.

For at least the foregoing reasons, Applicants respectfully submit that neither Enomoto nor Blackard, alone or in combination, provide disclosure of all the limitations of claims 67, 85, 101, and 110 (and all claims depending therefrom) and that these claims are in condition for allowance. Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Claims 81-82, 86, 91 and 124-125

Claims 81-82, 86, 91 and 124-125 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Enomoto in view of Blackard, and in further view of U.S. Publication No. 2003/0163593 listing Knightly et al. as inventors ("Knightly"). Applicants respectfully traverse these rejections. Applicants respectfully submit that these claims are allowable, at least by virtue of depending from allowable base claims. For at least the reasons presented above, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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